

# Exhibit E

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION  
CORPORATION,**

Plaintiff-Applicant,

v.

**BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,**

Defendant.

**In re:**

**BERNARD L. MADOFF,**

Debtor.

**IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter  
7 Estate of Bernard L. Madoff,**

Plaintiff,

v.

**KOCH INDUSTRIES, INC., as successor in  
interest of Koch Investment (UK)  
Company,**

Defendant.

Adv. Pro. No. 08-01789 (CGM)

**SIPA LIQUIDATION**

(Substantively Consolidated)

Adv. Pro. No. 12-01047 (CGM)

**[PROPOSED] ORDER  
CERTIFYING DIRECT APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
PURSUANT TO 28 U.S.C. § 158(d)(2) AND FED. R. BANKR. P. 8006(f)**

On November 30, 2022, this Court entered an Order (the “Order”) following its November 21, 2022 Memorandum Decision Denying Defendant’s Motion to Dismiss (the “Decision”). *See* ECF Nos. 122, 118. On January 4, 2023, Defendant

filed a Notice of Appeal and Motion for Leave to Appeal. *See* ECF Nos. 125, 126. Defendant subsequently filed the Request for Certification of Direct Appeal (the “Request”), pursuant to 28 U.S.C. § 158(d)(2) and Federal Rule of Bankruptcy Procedure 8006(f).

**ORDERED**, the Request is GRANTED pursuant to 28 U.S.C. § 158(d)(2); and it is further

**ORDERED**, that the Court hereby certifies that the Order involves a question of law as to which there is no controlling decision of the United States Court of Appeals for the Second Circuit or the Supreme Court of the United States, the Order involves a matter of public importance, and an immediate appeal from the Order will materially advance the progress of the case; and it is further

**ORDERED**, that the Court hereby certifies the Order for direct appeal to the United States Court of Appeals for the Second Circuit.